

# HOUSE . . . . . No. 4458

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## The Commonwealth of Massachusetts

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INITIATIVE PETITION OF SUSAN E. LAING AND OTHERS.

OFFICE OF THE SECRETARY.  
BOSTON, JANUARY 4, 2010.

Steven T. James  
*Clerk of the House of Representatives*  
State House  
Boston, Massachusetts 02133

Sir: - I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution, an Initiative Petition for to Limit Carbon Dioxide Emissions from Renewable and Alternative Energy Sources, signed by ten qualified voters and filed with this department on or before December 2, 2009, together with additional signatures of qualified voters in the number of 78,597, being a sufficient number to comply with the Provisions of said Article.

Sincerely,  
WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

## AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

*The Commonwealth of Massachusetts*

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In the Year Two Thousand and Ten.

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AN ACT TO LIMIT CARBON DIOXIDE EMISSIONS FROM  
RENEWABLE AND ALTERNATIVE ENERGY SOURCES.

*Be it enacted by the People, and by their authority, as follows:*

- 1 SECTION 1. Section 3 of Chapter 25 A of the General Laws, as  
2 amended by chapter 169 of the acts of 2008, is hereby amended by  
3 adding the following phrase after the first paragraph’s definition of  
4 “alternative energy development”, “provided that use of  
5 combustion or pyrolization to generate alternative energy does not  
6 result in the emission of more than two hundred and fifty pounds  
7 of carbon dioxide per megawatt hour.”
- 8 SECTION 2. Section 3 of Chapter 25 A of the General Laws, as  
9 amended by chapter 169 of the acts of 2008, is hereby amended by  
10 adding the following phrase after the second paragraph’s definition  
11 of “alternative energy property”, “provided that if the property uses  
12 combustion or pyrolization to generate alternative energy it does  
13 not emit more than two hundred and fifty pounds of carbon dioxide  
14 per megawatt hour.”
- 15 SECTION 3. Section 11F(b) of Chapter 25A of the General Laws,  
16 as so appearing, is hereby amended by adding after clause (6), the  
17 phrase “provided that said generation of renewable electricity

18 using such waste-to-energy does not emit more than two hundred  
19 and fifty pounds of carbon dioxide per megawatt hour.”

20 SECTION 4. Section 11F(b)(8) of Chapter 25A of the General  
21 Laws, as so appearing, is hereby amended by adding the phrase,  
22 “provided that generation of renewable energy using combustion  
23 or pyrolization of such fuels does not emit more than two hundred  
24 and fifty pounds of carbon dioxide per megawatt hour.”

25 SECTION 5. Section 11F(b) of Chapter 25A of the General Laws,  
26 as so appearing, is hereby amended by adding, after the sentence,  
27 “The department may also consider any previously operational  
28 biomass facility retrofitted with advanced conversion technologies  
29 as a renewable energy generating source.” the phrase, “provided  
30 that the generation of renewable electricity by the previously  
31 operational biomass facility does not emit more than two hundred  
32 and fifty pounds of carbon dioxide per megawatt hour.”

33 SECTION 6. Section 11F(c)(7) of Chapter 25A of the General  
34 Laws, as so appearing, is hereby amended by adding the following  
35 phrase: “provided that generation of renewable energy using  
36 combustion or pyrolization of such fuels does not emit more than  
37 two hundred and fifty pounds of carbon dioxide per megawatt  
38 hour.”

39 SECTION 7. Section 11F(d) of Chapter 25A of the General Laws,  
40 as so appearing, is hereby amended by adding at the end of clause  
41 (7) the phrase, “provided that said generation of renewable  
42 electricity using such waste-to-energy does not emit more than two  
43 hundred and fifty pounds of carbon dioxide per megawatt hour.”

44 SECTION 8. Section 11F(d)(8) of Chapter 25A of the General  
45 Laws, as so appearing, is hereby amended

46 by adding the following phrase: “provided that generation of  
47 renewable energy using combustion or pyrolysis of such fuels  
48 does not emit more than two hundred and fifty pounds of carbon  
49 dioxide per megawatt hour.”

## FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Susan E. Laing	47 Phillips Street	Greenfield
Margaret E. Sheehan	732 Main Street	Williamstown
Eric Reustle	41 Oakview Ter. #3	Jamaica Plain
Jesus Leyva	39 West St. #1R	Northampton
Carol M. Brussel	300 Bridge St.	Northampton
Robert W. Aronson	71 Sylvester Rd.	Northampton
Marcie J. Stock	71 Sylvester Rd.	Northampton
Elizabeth Jeffs Lombard	39 Munroe St.	Northampton
John C. Lombard,	39 Munroe St.	Northampton
John G. Coster,	22 High Street	Williamsburg

Summary of 09-14.

This proposed law would require waste-to-energy and biomass renewable energy sources relying on combustion or pyrolyzation (decomposition caused by heat) to emit no more than 250 pounds of carbon dioxide per megawatt hour in order to be considered “renewable energy generating sources,” “Class I renewable energy generating sources,” “Class II renewable energy generating sources,” “alternative energy developments,” or “alternative energy properties” under state laws concerning renewable and alternative energy programs.

Under current state law, retail electricity suppliers are required to provide a minimum percentage of kilowatt-hour sales to end-use customers in Massachusetts from “Class I renewable energy generating sources” and “Class II renewable energy generating sources.” The proposed law would prohibit retail electricity suppliers from satisfying these requirements through the use of waste-to-energy and biomass renewable energy sources that rely on combustion or pyrolyzation if such energy sources emit more than 250 pounds of carbon dioxide per megawatt hour.

Also under current state law, the state Department of Energy Resources is responsible for administering programs related to alternative energy development and alternative energy properties. The proposed law would exclude from these programs waste-to-energy and biomass energy sources that rely on combustion or pyrolyzation if such energy sources emit more than 250 pounds of carbon dioxide per megawatt hour.

## CERTIFICATE OF THE ATTORNEY GENERAL.

September 2, 2009.

Honorable William Francis Galvin  
*Secretary of the Commonwealth*  
One Ashburton Place, Room 1705  
Boston, Massachusetts 02108

RE: Initiative Petition No. 09-14: Initiative Petition to Limit Carbon  
Dioxide Emissions from Renewable and Alternative Energy  
Sources.

Dear Secretary Galvin:

I accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Cordially,  
MARTHA COAKLEY,  
*Attorney General.*